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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,101	10/17/2005	Arne B. Wallin	5146-06-14 (WALLIN-06.PCT)	2487
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EXAMINER				
LAUX, JESSICA L.				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/553,101

Applicant(s)

WALLIN, ARNE B.

Examiner

JESSICA LAUX

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 21-40 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 21-40 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Acknowledgment is made of the amendment filed 6/2/2011. Accordingly the specification, drawings and claims have been amended.

Response to Arguments

Applicant's arguments filed 6/2/2011 have been fully considered but they are not persuasive.

Applicant's argument that Shultz doesn't disclose the claimed wall portion is not persuasive. The rejection is based on a combination of references, where Wallin is relied upon for teaching the wall panel have a wall portion and flange volume. Shultz is relied upon for the teaching that it is know to form footings and include footing forms connected to wall//flange forms for simultaneously forming/casting the wall (or in the instant case, a portion, being a flange portion, of the wall) with the footing. The rejection is not a literal reading in of one reference to another, rather it looks to the reference for a prior teaching that it is know in to the art to make a footing simultaneous with a wall portion, where the footing form is connected to and below the wall portion.

In the instant combination, the wall panel of Wallin as modified by Schultz would be filled with liquid concrete where the footing is disposed below the flange forms and therefore the concrete would flow into the footing volume and spread out, as claimed.

Applicant's argument that the declaration submitted previously has been disregarded by the examiner is not persuasive. The previous office action clearly and definitely addresses the declaration. The declaration has been found to not be sufficient

to overcome the rejection, this does not mean it has been disregarded, it was certainly considered.

Applicant's argument that the footing form of Schultz is removed is not persuasive. The claim on requires "so as to remain with the wall portion in such orientation once the footing volume has been filled with binder material" claim 21. The footing form of Schultz certainly remains with the wall portion at least long enough for the concrete to cure enough to not deform once the panels are removed. The claim limitation does not preclude eventual removal of the form. Additionally it is noted that Schultz is only relied upon for the teaching of the footing form being attached to the wall form portion. Wallin clearly discloses flange forms that remain with the wall portion after curing. Accordingly one of ordinary skill in the art, when modifying the Wallin system to include attached footings forms would understand or have the common sense to have the footing forms remain with the footing just as the flange forms remain with the flanges. Or in other words: The office uses Schultz for the teaching of forming a footing continuous and simultaneously with a wall. Wallin discloses a wall portion having a flange forms attached and remaining with the wall portion. In view of Schultz's teaching that it is known to incorporate footing forms with wall forms for simultaneous forming, it would have been obvious at the time the invention was made to modify the forms of Wallin to include a footing form that would remain with the wall as Wallin discloses forms that remain with the wall.

Applicant's arguments regarding the Desjoyaux reference are moot as that reference is not used to anticipated the presently pending claims.

Applicant's arguments regarding claims 22,24, particular the ledge and lifting loops are not persuasive as those features of disclosed by Wallin as noted below.

Applicant's arguments regarding claim 25 are not persuasive. There certainly is a wall portion of in Schultz, and the footing form is certainly positioned beneath the base of the wall portion; and Wallin discloses a footing positioned beneath a base of the wall portion, accordingly upon modification of Wallin to include a footing form attached to the wall portion (of Wallin) one of ordinary skill in the art would understand to position the footing form to be beneath the base of the wall portion. Applicant appears to be taking an overly narrow definition of the term "beneath". It is presently understood to mean that the footing form is disposed at a position lower, or under, therefore being beneath the wall portion. It does not mean that the footing form is directly below and in line with the wall portion.

Applicant's arguments regarding claim 28 are not persuasive, the flange forms of Wallin are, as noted by Applicant, in the shape of a U, which is certainly not a straight line, therefore the flange edges are interrupted from alignment of a straight line by the U-shape.

Applicant's argument that the Wallin reference does not disclose outer edges of half forms having portions that overlap is not persuasive. Wallin clearly discloses overlapping portions when adjacent half forms are positioned to be filled, where those overlapping portions are formed by member 43.

Applicant's arguments that there is not suggestion in Walston of providing a wall with a form for pouring of a beam post is not persuasive. The rejection of claim 29 is

based on a combination of references, and merely stating that one reference does not anticipated the claim is not sufficient to overcome the combination rejection.

In response to applicant's arguments as they pertain to claims 34,35,36, arguments against the references, individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Objections

Claim 24 is objected to because of the following informalities: the claim recites "to reinforcing rod". This should correctly be "to the reinforcing rod" Appropriate correction is required.

Claim 30 is objected to because of the following informalities: the claim recites "such forms being the attached" which is confusing and incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites "In a" preformed wall panel. It is unclear what applicant is claimed, what is "in a", is applicant claiming the wall panel, or what is in the wall panel? Appropriate correction and clarification is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi* 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) or 1.321 (d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.

A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 21-25,28,30-33,37-40 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6244005 in view of Schultz.

Claims 21,22. Wallin discloses a preformed wall panel having base and top ends and two vertical side edges for installation on a supporting surface, comprising: a) a wall portion having a width and height and fitted on one side, a flange side, with a plurality of vertical flange forms (claim 1 section (a), 10) having an interior flange volume for forming a flange on the wall portion when filled with binder material; the wall panel having a ledge (as noted in the drawing below, where the ledge is part of the wall panel), and extends on the side opposite the flange side.

Wallin discloses a footing (claim 1 section (b)) but does not disclose how the footing was made/formed nor does Wallin expressly disclose a footing form as claimed.

Schultz discloses a wall portion having a footing form (9) for providing a footing volume to be filled with binder material, the footing form being positioned adjacent to the base end of the wall panel and extending across the width of the wall panel to the respective vertical side edges of the wall panel (as seen in figures 1-2), the footing form further being: i) attached to and extending laterally away from the wall portion on a flange side of the wall portion (where the side comprising members 19, 31 would be considered a flange side) so as to remain with the wall portion in such orientation once the footing volume has been filled with binder material (as seen in the figures and noted throughout the disclosure); iii) downwardly open but upwardly closed (as seen in figures 1-2) for covering and confining such binder material between the footing form, the

flange side of the wall portion and the supporting surface when the wall panel is installed on such supporting surface; iv) open at the ends of the footing form that are adjacent to the respective vertical side edges of the wall panel (as seen in the figures and noted throughout the disclosure). Shultz further discloses two such portions be positioned adjacent each other.

At the time the invention was made it would have been an obvious matter of design choice to one of ordinary skill in the art to modify the wall panel of Wallin, including a footing, to have the footing formed by a footing form such as disclosed by Shultz so that it is connected to and positioned beneath and extending laterally from the flange forms to provide a wall assembly that is easy to construct; whereby the footing form can be filled with binder material that serves as a footing along the base end of the panel, interconnected, covered, footing volume to extend between two adjacent wall panels (where Schultz discloses that the footing form attached to and positioned lateral of the wall portion and is open to the interior of the wall portion to allow the binder material to flow from one to the other creating a continuous wall/footing assembly).

Claim 23. A wall panel as in claim 22 comprising a trough form (Wallin claims 6,9,10) mounted along the top end of the wall portion defining a trough volume that communicates with said flange volume for receiving binder material at the same time that the flange and footing forms are being filled with binder material.

Claim 24. A wall panel as in claim 23 comprising reinforcing couplings (Wallin claims 1,6-8) seated in and protruding from said wall portion into trough form, to position and support reinforcing rod (such as rod 24) to be placed within said one or more

volumes in combination with reinforcing rod positioned within one or more of said one or more flange volumes and supported by the reinforcing coupling means, said couplings being in the firm of wire which, when not connected to reinforcing rod, are positioned to be bend up to serve as lifting loops (where the ends of the rods are bent and capable of being used to lift the panel).

Claim 25. A wall panel as in claim 21 wherein said footing form has an outer edge (55 as seen in Shultz) remote from said wall portion which outer edge is positioned beneath the base of the wall portion when the wall portion is suspended in a vertical plane (as seen in for example figure 2), said footing form being made of a resilient material (where Shultz discloses sheet metal, which is the same material applicant discloses in the specification, where sheet metal has a resiliency) that will allow the outer edge to become aligned with variations in the supporting surface when the preformed wall panel is placed on such surface.

Claim 28. A wall panel as in claim 21 wherein the material for the flange and footing forms is of sheet material (as disclosed by both Shultz and Wallin claim 2) which is fastened by embedment into the panel wall portion of edges of the sheet material which sheet edges are interrupted from alignment in a straight line so as to reduce the tendency for cracks to proliferate in the wall portion (where at least Wallin at claims 1-5, disclose the claimed embedment, therefore the combination of the footing form of Shultz onto Wallin would also have the claimed embedment as disclosed by Wallin).

Claim 30. A building wall comprising a plurality of panels (Wallin claim 10) as in claim 21 mounted on the supporting surface to form the building wall with adjacent

vertical side edges of the respective wall panels abutting each other, wherein the footing forms of the respective panels are aligned to provide against said supporting surface a series of continuous, interconnected, covered footing volumes extending along the plurality of wall panels whereby the footing forms can be filled with a continuous volume of binder material that serves as the footing for the building wall (as noted above where both Wallin, claims 1,10,11 and Schultz disclose having adjacent members positioned for creating a continuous wall and where Schultz disclose having the footings positioned adjacent and connected for having a continuous interconnected footing volume, where the footing forms remain with the footing volume once filled with binder to reinforce the footing, where the forms will remain with the footing to act as reinforcement at least until the concrete has cured).

Claim 31. A building wall as in claim 30 wherein the panels comprise a trough form (claims 1,9,10) mounted along the top end of the wall portion defining a trough volume that communicates with said flange volume for receiving binder material at the same time that the flange and footing forms are being filled with binder material and wherein the wall panels define a closed perimeter building wall and the flange sides of the wall panels are inwardly directed into the interior of the wall perimeter (claims 1,9,10).

Claim 32. A building wall as in claim 31 comprising reinforcing couplings seated in and protruding from said wall portions into said footing volumes to position and support reinforcing rod to be placed within said volumes in combination with reinforcing means laid in the interconnected footing volumes bridging between adjacent footing

volumes of adjacent wall panels to become embedded therein once the forms are filled with binder material, the reinforcing means being positioned and supported by the reinforcing couplings (as noted claims 1-8,10), where Wallin further claims couplings (24) that are in the form of wire and capable of acting as lifting loops since they are bent (as noted previously).

Claim 33. A building wall as in claim 32 having vertical half-flange forms (claims 10,11) mounted on said wall portions along the two vertical side edges of the wall portions, the outer edge of at least one of said half-flange forms having at least portions of its surface extending to overlap and permit coupling to an adjacent half flange form when two of said wall panels with half flange forms are abutted together, thereby defining a single, common flange form volume (as seen in figure 21, where those portions that overlap of formed in part by member 43).

Claims 37, 39. A wall panel as in claims 21 or 30 wherein the wall portion is made of concrete (where Wallin claims a binder material and it would have been obvious to one of ordinary skill in the art to use a concrete as the binder material as it is commonly used as a wall and foundation material).

Claims 38, 40. A wall panel as in claims 37 or 40 further comprising concrete as the binder material present in the flange and footing form volumes (where Wallin claims a binder material and it would have been obvious to one of ordinary skill in the art to use a concrete as the binder material as it is commonly used as a wall and foundation material).

Claim 36 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6244005 in view of Shultz (5511761), as presented above, and further in view of Betzler (1834892).

Claim 36. Wallin in view of Shultz discloses the building wall as in claim 30 as above wherein the wall panels comprise a trough form (claims 1,9,10 mounted along the top end of the wall portion defining a trough volume that communicates with said flange form volumes for receiving binder material at the same time that the flange and footing forms are being filled with binder material; but Wallin in view of Schultz does not disclose that the wall panels serve as first and second tiers in a multiple tiered wall.

Betzler discloses a wall system where the wall is a multiple tier wall having a second panel positioned adjacent and above a first panel to form the tiers (as seen in the figures and noted throughout the disclosure).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the wall system of Wallin in view of Shultz to be a multiple tier wall system having one panel overlying another panel as disclosed by Betzler (where the footing form of the upper panel would overlie the trough form of the lower panel or where Wallin discloses a wall panel without a footing form attached that could overlie the bottom tier of Wallin in view of Schultz) to form a wall panel able to accommodate varying heights such as a two story building.

Claim 34 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6244005 in view of Shultz (5511761) and further in view of House (5588786).

Claim 34. Wallin in view of Schultz discloses the building wall as in claim 30 as above including vertical half-forms (30A) mounted along said abutting vertical side edges; but does not disclose two adjacent wall panels meet at an angle and further comprise a corner piece having vertical faces shaped to abut the vertical side edges of adjacent wall panels; and further comprising a joiner piece for joining said respective half-forms.

House discloses a wall panel system having multiple adjacent wall panels with flange forms having vertical half forms, where the adjacent wall panels meet at an angle forming a corner and further having corner pieces (88,108) that abut the vertical side edges of adjacent wall panels and further comprise a joiner piece (112) where the corner pieces, joiner piece and half flange form define a vertical cavity (as seen in figure 7).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the wall system of Wallin in view of Schultz to include the corner construction such as disclosed by House resulting in a wall construction having the corner piece, vertical side edges of adjacent wall panels, vertical half-forms and joiner piece defining a vertical cavity that communicates with the footing volume for receiving binder material to provide a wall assembly that forms various shapes and designs making it versatile for use in building structures having multiple angled walls.

Claim 35 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6244005 in view of Shultz and further in view of House (5588786) and further still in view of Babcock (6256960).

Claim 35. Wallin in view of Shultz and further in view of House disclose the building wall as in claim 34 as above but does not disclose at least one positioning plate with upwardly bent plate flanges for positioning beneath and aligning said corner piece, said plate flanges embracing portions of the base ends of said respective abutting wall panels.

Babcock discloses a building wall assembly having at least one positioning plate (13) with upwardly bent plate flanges (16) for positioning beneath and aligning the wall parts (Col. 5).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the invention of Wallin in view of Shultz and further in view of House to include the positioning plate as disclosed by Babcock to assist in the placement of the wall and corner pieces thereby reducing misalignment.

Claim 29 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6244005 in view of Shultz and further in view of Walston (4512126).

Claim 29. Wallin in view of Shultz disclose the wall panel as in claim 21 as above but do not disclose a beam support post form as claimed.

It is notoriously common and well known in the art to have wall panel post notched to accommodate attachment of a beam. For example, Walston disclose a wall panel having a beam support post (generally at 8 of figure 3 and noted at) fitted to said wall portion, said beam support post being notched at its upper end (at 22 of figure 3), below the top end of the wall panel, to receive the end of a beam (34).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the wall panel and forms of Wallin in view of Shultz to have a beam support post form having a notched portion for forming a support post for supporting a beam allowing the wall structure to be incorporated with additional structure in the building to provide a secure and strong building able to resist forces.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-25,28,30-33,37-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin (6244005) in view of Schultz (5511761).

Claims 21,22. Wallin discloses a preformed wall panel having base and top ends and two vertical side edges for installation on a supporting surface, comprising:

a) a wall portion (1) having a width and height and fitted on one side, a flange side, with a plurality of vertical flange forms (30; see at least figures 17, 18, 21) having an interior flange volume (31) for forming a flange on the wall portion when filled with

binder material; and the wall panel having a ledge (as noted in the figure below) protruding along the base end and on the side opposite to the flange side.

Wallin discloses a footing but does not disclose how the footing was made/formed nor does Wallin expressly disclose a footing form as claimed, including the claimed improvement, but does disclose two such panel positioned adjacent each other.

Schultz discloses a wall portion having a footing form (9) for providing a footing volume to be filled with binder material, the footing form being positioned adjacent to the base end of the wall panel and extending across the width of the wall panel to the respective vertical side edges of the wall panel (as seen in figures 1-2), the footing form further being:

i) attached to and extending laterally away from the wall portion on a flange side of the wall portion (where the side comprising members 19, 31 would be considered a flange side) so as to remain with the wall portion in such orientation once the footing volume has been filled with binder material (as seen in the figures and noted throughout the disclosure, where it remains with the wall portion until at least the concrete has cured substantially so as not to deform upon removal of the forms);

ii) positioned beneath, connected to and extending laterally from a wall portion form to provide the footing volume that can be filled with binder material that serves as a footing along the base of the wall portion;

iii) downwardly open but upwardly closed (as seen in figures 1-2) for covering and confining such binder material between the footing form, the flange side of the wall

portion and the supporting surface when the wall panel is installed on such supporting surface;

iv) open at the ends of the footing form that are adjacent to the respective vertical side edges of the wall panel (as seen in the figures and noted throughout the disclosure). Shultz further discloses two such portions be positioned adjacent each other.

At the time the invention was made it would have been an obvious matter of design choice to one of ordinary skill in the art to modify the wall panel of Wallin, including a footing, to have the footing formed by a footing form such as disclosed by Shultz so that it is connected to and positioned beneath and extending laterally from the flange forms, and remains with the footing just as the flange forms do, to provide a wall assembly that is easy to construct; whereby the footing form can be filled with binder material that serves as a footing along the base end of the panel, interconnected, covered, footing volume to extend between two adjacent wall panels (where Schultz discloses that the footing form attached to and positioned lateral of the wall portion and is open to the interior of the wall portion to allow the binder material to flow from one to the other creating a continuous wall/footing assembly).

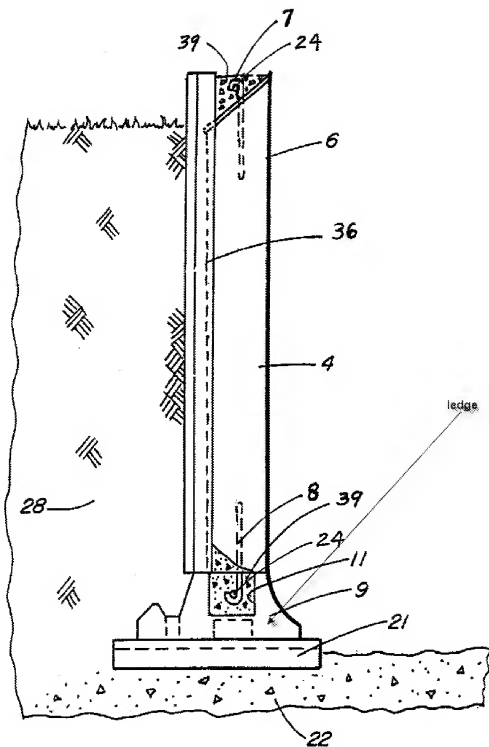


FIG. 20

Claim 23. A wall panel as in claim 22 comprising a trough form (10, 17, or 32 of Wallin) mounted along the top end of the wall portion defining a trough volume that communicates with said flange volume for receiving binder material at the same time that the flange and footing forms are being filled with binder material.

Claim 24. A wall panel as in claim 23 comprising reinforcing couplings (6,7,8) seated in and protruding from said wall portion into the trough form (as seen in the figures and noted at least at Col. 4, lines 3-12), to position and support reinforcing rod (such as rod 24) to be placed within said one or more volumes in combination with reinforcing rod positioned within one or more of said one or more flange or footing volumes and supported by the reinforcing coupling means, said couplings being in the form of wire which, when not connected to reinforcing rod, are positioned to be bent up to serve as lifting loops (where they are bent and capable of serving to lift the wall panel).

Claim 25. A wall panel as in claim 21 wherein said footing form has an outer edge (55 as seen in Shultz) remote from said wall portion which outer edge is positioned beneath the base of the wall portion when the wall portion is suspended in a vertical plane (as seen in for example figure 2), said footing form being made of a resilient material (where Shultz discloses sheet metal, which is the same material applicant discloses in the specification, where sheet metal has a resiliency) that will allow the outer edge to become aligned with variations in the supporting surface when the preformed wall panel is placed on such surface.

Claim 28. A wall panel as in claim 21 wherein the material for the flange and footing forms is of sheet material (as disclosed by both Shultz and Wallin) which is fastened by embedment into the panel wall portion of edges of the sheet material which sheet edges are interrupted from alignment in a straight line so as to reduce the tendency for cracks to proliferate in the wall portion (where at least Wallin disclose the claimed embedment, therefore the combination of the footing form of Shultz onto Wallin would also have the claimed embedment as disclosed by Wallin).

Claim 30. A building wall comprising a plurality of panels as in claim 21 mounted on the supporting surface to form the building wall with adjacent vertical side edges of the respective wall panels abutting each other, wherein the footing forms of the respective panels are aligned to provide against said supporting surface a series of continuous, interconnected, covered footing volumes extending along the plurality of wall panels whereby the footing forms can be filled with a continuous volume of binder material that serves as the footing for the building wall; (as noted above where both Wallin and Schultz disclose having adjacent members positioned for creating a continuous wall) and where Schultz discloses having the footings positioned adjacent and connected to the wall portions for having a continuous interconnected footing volume, and where the footing forms remain with the wall portion once the footing volume has been filled with binder material to cover and reinforce the footing (where the footing form remains to in place to cover and reinforce at least until the concrete has substantially cured).

Claim 31. A building wall as in claim 30 wherein the panels comprise a trough form (10,17 or 32) mounted along the top end of the wall portion defining a trough volume that communicates with said flange volume for receiving binder material at the same time that the flange and footing forms are being filled with binder material and wherein the wall panels define a closed perimeter building wall and the flange sides of the wall panels are inwardly directed into the interior of the wall perimeter (as noted throughout the disclosure of Wallin). Claim

32. A building wall as in claim 31 comprising reinforcing couplings (8) seated in and protruding from said wall portions into said footing volumes to position and support reinforcing rod to be placed within said volumes in combination with reinforcing means laid in the interconnected footing volumes bridging between adjacent footing volumes of adjacent wall panels to become embedded therein once the forms are filled with binder material, the reinforcing means being positioned and supported by the reinforcing couplings (as noted in the drawings and throughout the disclosure), and further comprising couplings in the form of wire anchored into the side of the wall panel along the top end of the wall panel to serve as lifting loops (where at least 7 is capable of serving as a lifting loop as noted above).

Claim 33. A building wall as in claim 32 having vertical half-flange forms (30A) mounted on said wall portions along the two vertical side edges of the wall portions, the outer edge of at least one of said half-flange forms having at least portions of its surface extending to overlap and permit coupling to an adjacent half flange form when two of

said wall panels with half flange forms are abutted together, thereby defining a single, common flange form volume (as seen in figure 21).

Claims 37, 39. A wall panel as in claims 21 or 30 wherein the wall portion is made of concrete (Col. 3, lines 65-66 of Wallin).

Claims 38, 40. A wall panel as in claims 37 or 40 further comprising concrete as the binder material present in the flange and footing form volumes (Col. 3, lines 65-66 of Wallin).

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin (6244005) in view of Shultz (5511761) and further in view of Betzler (1834892).

Claim 36. Wallin in view of Shultz discloses the building wall as in claim 30 wherein the wall panels comprise a trough form (10,17 or 32) mounted along the top end of the wall portion defining a trough volume that communicates with said flange form volumes for receiving binder material at the same time that the flange and footing forms are being filled with binder material (as noted throughout the disclosure of Wallin); but Wallin in view of Shultz does not disclose that the wall panels serve as first and second tiers in a multiple tiered wall.

Betzler discloses a wall system where the wall is a multiple tier wall having a second panel adjacent and above a first panel to form the tiers (as seen in the figures and noted throughout the disclosure).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the wall system of Wallin in view of Shultz to be a

multiple tier wall system having one panel overlying, adjacent and above, a another panel as disclosed by Betzler (where the footing form of the upper panel would overlie the trough form of the lower panel or where Wallin discloses a wall panel without a footing form attached that could overlie the bottom tier of Wallin in view of Schultz) to form a wall panel able accommodate varying heights such as a two story building.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin (6244005) in view of Shultz (5511761) and further in view of House (5588786).

Claim 34. Wallin in view of Schultz discloses the building wall as in claim 30 as above including vertical half-forms (30A) mounted along said abutting vertical side edges; but does not disclose two adjacent wall panels meet at an angle and further comprise a corner piece having vertical faces shaped to abut the vertical side edges of adjacent wall panels; and further comprising a joiner piece for joining said respective half-forms.

House discloses a wall panel system having multiple adjacent wall panels with flange forms having vertical half forms, where the adjacent wall panels meet at an angle forming a corner and further having corner pieces (88,108) that abut the vertical side edges of adjacent wall panels and further comprise a joiner piece (112) where the corner pieces, joiner piece and half flange form define a vertical cavity (as seen in figure 7).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the wall system of Wallin in view of Schultz to include

the corner construction such as disclosed by House resulting in a wall construction having the corner piece, vertical side edges of adjacent wall panels, vertical half-forms and joiner piece defining a vertical cavity that communicates with the footing volume for receiving binder material to provide a wall assembly that forms various shapes and designs making it versatile for use in building structures having multiple angled walls.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin in view of Shultz and further in view of House (5588786) and further still in view of Babcock (6256960).

Claim 35. Wallin in view of Shultz and further in view of House disclose the building wall as in claim 34 but does not disclose at least one positioning plate with upwardly bent plate flanges for positioning beneath and aligning said corner piece, said plate flanges embracing portions of the base ends of said respective abutting wall panels.

Babcock discloses a building wall assembly having at least one positioning plate (13) with upwardly bent plate flanges (16) for positioning beneath and aligning the wall parts (Col. 5). At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the invention of Wallin in view of Shultz and further in view of House to include the positioning plate as disclosed by Babcock to assist in the placement of the wall and corner pieces thereby reducing misalignment.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin in view of Shultz and further in view of Walston (4512126).

Claim 29. Wallin in view of Shultz disclose the wall panel as in claim 21 but do not disclose a beam support post form as claimed.

It is notoriously common and well known in the art to have wall panel post notched to accommodate attachment of a beam. For example, Walston disclose a wall panel having a beam support post (generally at 8 of figure 3 and noted at) fitted to said wall portion, said beam support post being notched at its upper end (at 22 of figure 3), below the top end of the wall panel, to receive the end of a beam (34).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the wall panel and forms of Wallin in view of Shultz to have a beam support post form having a notched portion for forming a support post for supporting a beam allowing the wall structure to be incorporated with additional structure in the building to provide a secure and strong building able to resist forces.

Allowable Subject Matter

Claims 26,27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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